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THE HEGELIAN CONCEPT OF THE STATE AND
MODERN INDIVIDUALISM.

H. S. SHELTON.

THE present short article is an attempt to show that the attitude of many of those who have treated the theory of the State from the philosophical point of view, towards the unending controversy between individualism and socialism, is far too favorable to what is commonly known as socialism. It is a demurrer against the widespread opinion that the advocacy of a maximum of direct state control is warranted by valid philosophical theory. So far as it goes, it seeks to rehabilitate individualism, if not, in the writings of any representative, as a complete and adequate philosophical theory, at least as a practical basis for state action. It upholds the view that the arguments of the current school of political philosophy, so far as they are contrary to individualism, are invalid, and, so far as they are valid, are not available against the most extreme individualism, or for any form of regimentarian socialism.

Modern philosophies of the State may briefly be classified under two headings, the individualist, represented by Mill and Spencer, and the Hegelian, of which the most prominent representatives are the late T. H. Green and Dr. Bernard Bosanquet. There can be little doubt that the mass of academic opinion has gravitated towards the Hegelian side. Of the works of Hegel himself I have no authority to speak. Nor am I concerned to discuss whether he, on the one hand, or Mill and Spencer, on the other hand, produced the clearest, the most complete, the most philosophical account of the structure of the State. What concerns me here is to examine what has been considered to be the political bias of his teaching, and the undoubted bias of the teaching of the ablest of his English representatives.

Of the use that has been made of the writings of Hegel by the ablest of the socialist school of thought, there can be no dispute. It is evident even in popular essays and reviews. Mr. Bernard Shaw, in one of the Fabian essays, states that the Socialists were pupils of Hegel, while the Whigs were pupils of Bentham and Austin.¹ The great influence of Hegel on Lassalle, and the way in which that writer's whole outlook on life was modified by the Hegelian philosophy, is a matter of common knowledge, as is also, in a lesser degree, his influence on Marx. It is not, however, German social democracy that we are considering so much as political thought in the English-speaking world.

In England, the direct political influence of Hegel is small. It is only recently that any of his works have been translated, and some sections of his political philosophy have not, as yet, been rendered into English. Adequate knowledge of his work is thus confined to a very small class of highly educated philosophers. Thus it is not with Hegel that we have to deal, but with the Hegelians. Direct Hegelian influence is not, therefore, in England, to be seen in what is technically known as socialism. It is very doubtful whether either Green or Dr. Bosanquet could rightly be called by that name. But the main influence tends to socialism in that it favors and countenances the modern tendency to do more and more by means of the direct action of the State. For this I take to be the fundamental line of division between the two schools of thought. The first, which we will call individualist, desires to leave as much scope as possible to individual endeavor. It regards the State and its activities as a necessary evil. The second, which we may term socialist, desires to extend, so far as possible, state activities and state control. To that extent, socialist thought is in harmony with monarchic or oligarchic ideas, for, whether or no we are to be ruled and

¹ Humboldt edition, 1891, p. 223.

controlled, in great things and in small, to a greater or a lesser extent, is a more fundamental question than the particular form which the ruling power, for the time being, may assume. And the prominent thinkers who are properly known as Hegelian, though they may differ in many things, agree in thinking that a true ideal of political theory lies in the direction of maximizing rather than minimizing the control of the State. This influence, then, it will be convenient to examine more closely. We shall, therefore, glance shortly at the work of the late T. H. Green and we shall look somewhat more fully at some of the views of Dr. Bosanquet.

The work of Green, interesting and valuable as it is from a literary and historical point of view, has small significance with regard to the present controversy. There are several reasons for this. In the first place, the critical part of the "Principles of Political Obligation" ends with Rousseau and makes no mention even of the earlier utilitarians. The political views of J. S. Mill, whom Green greatly admired, are not criticized, while the social portion of Spencer's philosophy was not written until after Green's lectures were composed. It is thus very difficult to state his exact position with regard to his contemporaries. Then, again, the main aspect of his lectures is ethical, and, as such, not within the scope of our present inquiry. On actual and political questions the conclusions are somewhat hazy. Let us take, for example, the vexed problem of compulsory education, a problem which, it must be admitted, has greatly puzzled utilitarian philosophers. Green's view can be gathered from the following passage: "But the answer to the objection is that a law of compulsory education, if the preferences, ecclesiastical and otherwise, of those parents who show any practical sense of responsibility are duly respected, is, from the beginning, only felt as compulsion by those in whom, so far as this social function is concerned, there is no spontaneity to be interfered with; and that, in the second generation,

though the law with its penal sanction still continues, it is not felt as a law, as an enforcement of action by penalties at all.”²

It would, perhaps, be difficult to find an instance of state compulsion more necessary practically and less easily justified in theory than education. Mill put forward some kind of defense, and Spencer, more rigidly logical, maintained that both the compulsion and the education were illegitimate extensions of the sphere of action of the State. But Green’s solution of the problem is no solution at all. The underlying assumption behind it, and behind much other Hegelian argument, is that when a system is so established that resistance is useless and criticism futile, the loss of liberty entailed is not really felt. In this particular case, Green’s remarks are simply not true. Anyone acquainted with the lives of the poorer classes must be aware how enormously important to them is the age when the children begin to add to the family income. So long as there are any poor, even if a hundred generations elapse, the compulsion must be felt as an enforcement of action by penalties.

It is not, however, so much in Green’s practical conclusions, which are vague and commonplace, as in his attitude of mind towards the State that he comes into contact with the most extreme individualism. There is implicit an attitude of respect, even reverence, towards the government which is certainly not deduced from knowledge of those engaged in it and of the manner in which it is carried on. The dominant note is the grounds of political *obligation*, which he interprets not as the obligation of the State and of those who direct it, towards the individuals whom they rule, but as the obligation of the individual to reverence and serve the State. Actually and practically, few are likely to deny the existence of such an obligation. That is not the point in dispute.

² Collected Works, Vol. II, p. 515.

But, in order to deduce, within reasonable limits, the existence of some such obligation, it is not necessary to go behind the actual machinery of government as we know it, and its foundation on monarchy, oligarchy or democracy, as the case may be. No one, again, will deny that, for the stability of the State, it must carry with it the actual or tacit assent of the mass of the people governed. In this sense, government must rest on general will. But, general will, in this sense, means merely that no considerable section of the people is in active disagreement. Green, however, following Hegel, attempts to find in this concept something much more binding and much more subtle. He regards the obligation of the individual towards the State as absolute so long as the State expresses 'general will.' What exactly it means is undefined. It is not the unanimity³ of Rousseau, because, then, conflict is impossible. It is not the will of the sovereign, or of the ruling power, whatever the ruling power may be, or of a bare majority, or of a majority of any size. What is it? Students who understand Green (and Hegel) better than I, may be able to give some answer. Meanwhile the individualist critic may demur to the introduction into philosophical and political discussion of a mystical concept, utterly illogical in a detached philosopher such as Green. It seems a faint echo of the Catholic idea of the Will of God. But the Catholic, who discusses whether or no and how far the will of the State is in accordance with the Will of God is, at any rate, logical, though the discussion is often trivial waste of labor. But the introduction, by a sceptical philosopher such as Green, of an undefinable general will, to which all must bow, is surely a useless and metaphysical complication of a subject which is, in any case, complicated enough. So far as any practical in-

³ Rousseau says that for a will to be general it is not *always* necessary for it to be unanimous, and a unanimous will is not necessarily general. But the nearest practical approach to Rousseau's ideal is a convention when votes are taken before citizens have time to discuss and form factions.

ferences are made, the inferences must be rejected. Moreover, clear discussion of philosophical theory is only possible when cobwebs of this kind have been swept away.

These critical remarks must not be understood to imply lack of appreciation of the work of Green. General criticism of his work would be entirely out of place in the present short article. But it is important to notice this doctrine in the writings of so famous an exponent, because inferences which he did not make have been made from it and can logically be made from it. Green himself was a Liberal and not out of sympathy with many of Mill's practical conclusions; nevertheless, his exposition of general will, if logically carried out, can be used as a powerful argument against writers of the individualist school.

The doctrine of 'General Will' is more fully expounded by Dr. Bosanquet,⁴ who traces to Hegel the somewhat irrational form it has taken in modern philosophy. He shows how Hegel adopted it from Rousseau, whose theories of social contract, and whose identification of general will, for all practical purposes, with the will of all, does make it, with him, slightly more intelligible. Dr. Bosanquet also defends Hegel from what he thinks to be the popular misconception that he was particularly enamoured of Prussian bureaucracy. We find the State praised as the actualization of freedom, in what way is not quite clear. But the general will is as undefined as ever. We are told that it is the rational will, even though people are not aware of it. Who is to determine what the rational will may be is unexplained.

Dr. Bosanquet, though he would be the last to disclaim the term Hegelian as a correct description of his general attitude of mind, here branches out boldly into original thought and brings to the support of his thesis

⁴ "Philosophical Theory of the State," 2d ed., pp. 240ff., and elsewhere. The capitals are Dr. Bosanquet's.

certain psychological notions which are distinctly of modern growth. Now Dr. Bosanquet is a very learned, a very able, and a very experienced philosophical writer, and all his published work is worthy of careful study and consideration; yet it is very doubtful whether he strengthens his case, on this particular problem, by his learning and research. His most suggestive illustration and argument is found in the analogy of the army and the crowd, and his contention is that in the army is the nearest approach to general will (pp. 160ff.).

But yet, where is this will that is not the sum of the particular wills? It vanishes when we attempt to grasp it. There is the will of the general and the wills of the units, and what else is there? There is, of course, organization, and there is subordination, but I am unable to see that anything new is introduced of the nature of will. The one essential for a successful organization is that the particular wills should coincide. Each particular will desires victory, and each particular will has confidence in the ability of the head to do all that is possible to achieve that end. That is the ideal, and in so far as the ideal is not realized, the efficiency of the organization is impaired. Discipline is difficult to maintain, the morale is broken, the army runs away in time of stress.

I am, of course, aware, that modern psychologists have shown that there is something latent in a crowd which is not the sum of the wills of the particular units. A wave of feeling passes over it. The crowd acts as one man. The same, no doubt, is found in all grouping. But Dr. Bosanquet is careful to say that this is not his meaning, stating that "the level of intelligence and responsibility will be, as a rule, extraordinarily low."

But, surely, we must not take the army as the type of society, still less as the type of the State. The power, influence, and sphere of action of the State is, as a matter of fact, increasing, and is becoming more and more regimentarian. But that this subserves the realization of any true ideal is a very controversial statement. The

philosopher can hardly accept the well-worn maxim, *entia non sunt multiplicanda praeter necessitatem* (p. 185), as an adequate justification. With many of Dr. Bosanquet's arguments and statements on particular points, it is not difficult to agree, and he, himself, in practice, would not wish his analogy to be pressed too closely. With him, as with Green, it is not so much on particular questions that extreme divergence from the views of individualist thinkers is to be found. It is in the attitude of mind. It is in the attempt to find this indefinable something called general will, and to identify it with the will of the formal State. So far as Dr. Bosanquet is engaged in proving that there are inconsistencies in Rousseau's conception and the form which he gave it, I am in full agreement, but I cannot discover that Dr. Bosanquet himself succeeds in attaching to his concept any intelligible meaning. The maxim quoted above may well be applied to the concept, general will.

What Rousseau himself meant by his sovereign inalienable general will is somewhat obscure. Dr. Bosanquet says he follows Hobbes very closely. But one thing is clear from the most cursory glance, and that is that Rousseau's general will is confused and obliterated, immediately we pass from a pure democracy and form State of any kind whatever. A complicated and bureaucratic government, according to Rousseau, is the last source from which any valid general will is likely to emerge. Thus, the use made of the concept by Hegel and the Hegelians is precisely opposite to that intended by the author. Rousseau's doctrine was fundamentally an assertion of the virtue of a pure democracy, and is unintelligible in any other sense. We are thus still more entitled to view with suspicion any use of the idea in favor of autocracy, bureaucracy, or the extension of the sphere of state government. It was originally intended to convey the opposite impression. But, surely, in view of the confusion that necessarily arises, it would be best not to make deductions from what is, after all,

a semi-mystical doctrine, explicable in a scholastic sense, but utterly out of place in modern philosophy.

With the putting of this concept in its place, it will be seen that the theoretic foundations for such ideas as that the individual has no rights against the State, or that a powerful ruling paternal government is a desirable outcome of modern civilization, become doubtful and uncertain.

There are other ways in which the work of Dr. Bosanquet tends to undermine the democratic ideal. In the first place, though sympathetic towards the ideas of Hegel, he continually criticizes adversely the political philosophies of the two great individualists, Spencer and Mill. It is no part of my task to maintain that these criticisms are always mistaken or undeserved. I am not committed to the defense of the system of either writer in every detail, and I am in no way disposed to deny that flaws can be found in the exposition of both of them.⁵ But it is desirable to defend them in certain points specially relevant to the present essay. In some ways, both Spencer and Mill are more open to attack than the majority of political philosophers. Both were essentially practical in aim. Both descended to particulars. And it is in the application of philosophic ideas to particular cases that the fiercest controversies are likely to arise. Again, those who favor their school of thought are unable to agree with many details. But the essential standpoint of both of them was the assertion of the paramount importance of individual liberty. It is where criticisms touch this question that they call for a reply.

One of these points is certainly fundamental. The assertion of the principle of individual liberty, and of the limits of the authority of the State over the individual is said to be self-contradictory and the argument

⁵ An estimate of Spencer's political philosophy will be found in this JOURNAL, April, 1911.

is said to be equally available for extreme collectivism.⁶ The assertion is somewhat staggering. The views criticized are to be found principally in the fourth chapter of Mill's "Liberty" and in the latter part of Spencer's "Justice." Mill's views are not easy to summarize either in his own words or in any other. Expressed briefly, Mill maintains that the State is only justified in interfering with the individual when individuals interfere with "the interest of one another, or rather certain interests which, either by express legal provision or by tacit understanding, ought to be considered as rights; and secondly, in each person bearing his share (to be fixed on some equitable principle) of the laws and sacrifices incurred for defending the society or its members from injury or molestation."⁷ Spencer expresses a similar idea much more clearly and epigrammatically in his famous phrase: "Every man is free to do that which he wills provided he infringes not the equal freedom of every other man."

Dr. Bosanquet's criticism is founded mainly on the assertion that every action of every man, in greater or in less degree, affects the interests and well being of others, and, therefore, we are informed that Mill's principle can be used to justify both administrative nihilism and administrative absolutism. For this statement, considered as a purely verbal criticism on certain of Mill's passages, especially if some ambiguous phrases are isolated and called characteristic, there is something to be said. There are faults in the exposition of every philosophic writer and there are limits to the power of language to express thought. Moreover, Mill's essay was essentially popular and topical, and, possibly, on that account, did not reach that standard of philosophical exactitude which no one was able to maintain better than he. But Mill's meaning and the trend of his argument

⁶ See particularly "Philosophical Theory of the State," p. 63, but the same statement is found in several parts of the work.

⁷ This passage is a quotation from "Liberty," 3d ed., p. 134.

are perfectly clear. If we attempt to apply the principle practically, and to advocate state interference solely on Mill's ground, we shall soon find how short a distance it will take us. *De minimis non curat lex*. How healthy an exercise it would be for would-be legislators to justify all their laws solely on the ground that the interference of individuals with the rights and interests of others was so serious as to warrant penal interference! Indeed, as a practical guide, Dr. Bosanquet does not dissent. But here again the whole exposition is obsessed with the Hegelian general will. Dr. Bosanquet asserts that the distinction between self-regarding and other-regarding actions cannot possibly hold good, and gives as his own criterion "what the coercive authority is and is not able to do towards the promotion of the good life." What is good life? To criticize the criterion in detail would be superfluous, because Dr. Bosanquet would admit that the criterion is dependent upon the concept of general will. I would, however, make one remark. I am of opinion that the two criteria, if both are worked out with sufficient care, will amount to much the same thing. I should be the first to maintain that, when the rightful sphere of state action is passed, any attempt to promote 'good life' is not only indirectly harmful, but directly futile. The danger of Dr. Bosanquet's criterion lies in the fact that it is so easy plausibly to infer from it an almost unlimited extension of state activity. Spencer's formula of justice expresses the individualist idea much more clearly and succinctly than does any part of the work of Mill. This principle Dr. Bosanquet does not criticize systematically, but merely describes as a crude enunciation of the alien nature of the self and the law. But are not the self and the law alien in practice, so soon as the sphere of the law is extended beyond a very narrow limit? To defend or to criticize Spencer, however, would be but to repeat the substance of my previous article.

Another point at issue is the relation between the

State and society. Dr. Bosanquet accuses both individualists and socialists of not recognizing the vast importance of the whole social development of mankind.⁸ No particular individualist thinkers are mentioned in that passage. In view of his criticism of Mill and Spencer that they crudely and wrongly enunciate the alien character of self and law, it will probably be understood to refer to them. Whether it is so intended, is doubtful. In any case, it is well to point out that the criticism is invalid. Indeed, in the case of Spencer, it is almost absurd. As every student of his work is well aware, no modern philosopher, nor, I think, any philosopher of any age, has given such careful attention to the class of human institutions called (for lack of a better name) voluntary. His profound realization of their importance in human evolution is one of the reasons which caused him to oppose, in every possible manner, the extension of state activity, well knowing as he did that a powerful State is bound to hamper such activities and to render smaller the chances of development and improvement.

It is, however, necessary to warn all those who are interested in the interrelation between philosophy and politics against a similar fallacy from which the Hegelian philosophy is by no means free. By the State, Mill, Spencer, and the man in the street mean the formal machinery of government. In some political philosophies, the term is widened so that it may be interpreted as almost identical with society. The relation between the individual man and the State is a very complicated, but is, at least, a comprehensible problem. The relation between man and society is a problem which has no beginning and no end. The individual and the human environment continually act and react. Even here, however, the obligation is by no means all on one side. For any clear discussion it is essential that these two aspects

⁸ See Introduction to second edition, p. xxvii.

should be kept separate and distinct. Dr. Bosanquet himself, notwithstanding the warning he gives in the introduction, is not free from the fallacy.⁹ Needless to say, any such confusion will tell against individualism and in favor of socialism, because, whatever may be the relation between man and society, it is evident that society in all its aspects will exercise over the individual man a much greater degree of control than can any formal State. The confusion between, or, it would be better to say, the indistinct separation of society and the State is certainly not a feature of Spencer's work, nor do I think it is to be found in Mill, but it is a fallacy to which the Hegelian philosopher is particularly prone.

It will be well to summarize and focus the arguments and criticisms of this short essay. Its object is practical rather than theoretical, and critical rather than constructive. It is intended to clear away one of the obstacles in the way of the formulation of a true (or, not to beg the question, shall I say of an individualist?) theory of the State. That obstacle is found in certain developments of Hegelian thought, which, if valid, point to the conclusion (in the words of Dr. Bosanquet) that no true ideal lies in the direction of minimizing the individuality or of restricting the power of the State. My own personal view is directly opposed to this, but of that view it is not possible here to give a direct defense. All that has been attempted is to show that valid philosophical theory is not against it. This I have attempted in two ways. One way has been briefly to reply to certain criticisms that have been urged against the great individualist philosophers. The other way has been by a critical examination of the concept of 'general will,' which can be briefly and roughly restated as follows:

In the time of the scholastic philosophers, it was natu-

⁹ See particularly p. 185: "We have hitherto spoken of the State and society as almost convertible terms."

rally the business of philosophers to uphold the power and authority of the temporal sovereignty, both on account of the Pauline injunction, and also because of the vast influence of the Papacy. The great problem then was to decide within what limits the will of the sovereign corresponded to the Will of God. And the schoolman was strictly logical because, in matters directly or indirectly connected with religion, he had, when necessary, a definite and practical means of discovering what the Will of God actually was. With the decline in the power of the Papacy, the divine right of sovereignty was retained, with less logic, by Protestant philosophers. Rousseau's doctrine of general will is, for all practical purposes, an assertion of the divine right of a pure democracy. The divinity has vanished, but the inalienable, indivisible and absolute character remains. This concept, however, with Rousseau, was a minor feature, the main idea of the "Social Contract" being freedom and democracy. The Hegelians have dispensed with the democracy and disguised the freedom till it is quite unrecognizable, but retained the 'General Will,' which, with them, is a mystical concept with no clear and intelligible meaning whatever. It is, however, used as a support for the increase in the power of the State, however the State may be constituted.

With the rejection of this concept, the Spencerian ideal of freedom is the only one that remains.¹⁰ A powerful, controlling, paternal State may be defended as a product of evolution, or as an adaptation to environment, or as a practical necessity in the present state of affairs. But there is no ideal behind it. The individualist is, therefore, entitled to treat the State, and, indeed, all forms of control of human beings by each other, as a necessary evil, and to regard as the great problem of statecraft how to reduce that evil to the mini-

¹⁰ That is, from any but Catholic and scholastic premises. From the Catholic point of view, there is a case for paternal government, but even Catholicism is not inconsistent with the Spencerian ideal of freedom.

mum. Whatever may be the difficulties, or the objections in the way of such an ideal, the philosophical demurrer, raised by the Hegelian school, falls to the ground.¹¹

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ART, PHILOSOPHY, AND LIFE.

HORACE M. KALLEN.

IN the esteem of mankind the creation and the pursuit of the beautiful has from time immemorial been an honorable calling and a notable devotion. Anciently its instruments were assigned to the gods; its excellence was held no less than divine. Apollo and Hephaestos, Pallas and Hermes are these sources of the lyre and the forge, the pipe and the letter; from their protection and favor springs the power to create beauty. In our day, if we have abandoned Apollo and Pallas, we still cling to divine gifts, to inspiration; we still prize the works of the poets and the sculptors and the musicians above all other things. Only a lonely moralist, here and there, has presumed to challenge the worth of these delectables or to deny them a high place in the hierarchy of moral excellence. But most of us, if we could not be Virgil, would be Maecenas; indeed, in these later days, I am not sure that we should not prefer to be Maecenas: to outbid Europe for costly paintings, to collect first editions and ancient manuscripts; to fill our houses with glassware and porcelain, with postage-stamps and antique

¹¹ The following passage from Dr. Bosanquet ("Philosophical Theory of the State," p. 78) is of some interest. "We shall then be compelled to agree with Bentham, Mill, and Spencer that 'self-government' and the 'general will' are meaningless phantoms, combinations of hostile factors, incapable of being united in a real experience." This article does not raise the problem of self-government. I am not aware that Spencer dealt with the question of general will, but if he did do so, he answered Dr. Bosanquet's criticisms in advance.